

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 1-32 were pending, but by virtue of this response, Claims 1-3, 5-7, 12-13, 16, 20-21, 23-30 and 32 are amended, and Claims 4 and 31 are cancelled. Therefore, Claims 1-3, 5-30 and 32 are presently pending.

Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. Applicants reserve the right to file one or more continuing applications directed to the now cancelled claims.

No new matter is added.

In the outstanding Office Action Applicants claim to priority was objected to; Figure 1 was objected to; the specification was objected to; Claim 25 was objected to; Claims 1-5, 7-13, 16-25, 27-29 and 32 was rejected as being unpatentable over Cao et al. (U.S. Patent No. 6,647,005, hereinafter Cao) in view of Terry et al. (U.S. Patent No. 6,587,697, hereinafter Terry); Claims 6 and 31 were rejected as being unpatentable over Cao in view of Terry and in further view of Tsunehara et al. (U.S. Patent No. 7,006,463, hereinafter Tsunehara); Claims 14-15 were rejected as being unpatentable over Cao in view of Terry and in further view of Kim et al. (U.S. Patent No. 7,450,611, hereinafter Kim); Claims 26 and 30 were rejected as being anticipated by Cao.

In reply, Applicants traverse the assertion that Applicants have not filed a certified copy of the Great Britain priority document because the present application was filed as a National Stage application, based on a PCT application. An attachment of the Notice of

Acceptance of Application under 35 U.S.C. § 371 indicates that a copy of the International Application has been in fact been received by the U.S.P.T.O. As such it is respectfully submitted that Applicants have complied with the request consistent with PCT processing requirements and 35 U.S.C. § 371. However if the Examiner still disagrees, the Examiner is invited to telephone the undersigned so that the issue regarding priority document submission may be resolved.

With regard to the objection to the IDS (see Office Action paragraph 3) Applicants traverse the assertion that the International Search Report and Written Opinion need not be considered by the Examiner.

Applicants attach herewith foreign PCT/DO/EO/903, which indicates that a copy of the International Search Report was accepted by the U.S.P.T.O. As the International Search Report includes both Terry and EP-0977370, both of which have been considered by the Examiner.

The specification has been amended as requested. Also the specification has been amended to include a reference to element “105” in Figure 1.

Claim 25 has been amended as requested.

Claim Rejection under 35 U.S.C § 103(a) of Claims 1-25, 27-29, 31 and 32

The application presently contains five independent claims, namely Claims 1, 26, 28, 29 and 30.

On page 5 of the Office Action, Claims 1-5, 7-13, 16-25, 27-29 and 32 are rejected under 35 USC § 103(a) as being unpatentable over US 6,647,005 B1, Cao et al. (hereinafter “Cao”) in view of US 6,587,697 B2, Terry et al. (hereinafter “Terry”). Applicants are traversing this rejection.

It is respectfully submitted that the Office Action fails to establish *prima facie* obviousness for the following reasons.

Independent Claim 1, recites, *inter alia*, “an encode processor for jointly encoding the combined user equipment specific information for at least two of the plurality of user equipment and a transmitter for transmitting the jointly encoded combined user equipment specific information in a single allocation of transmission resource”. A basis for these features is provided from at least page 8, line 18 to page 9, line 19 and page 29, line 10 to page 31, line 12 from the Specification as originally filed.

The Office Action suggests that Cao discloses each of the above features. The Office Action suggests that Cao describes “an encode processor for [jointly] encoding the combined user equipment specific information for [at least two of] the plurality of user equipment”, citing col. 2, line 66-col. 3, line 2 and col. 4, lines 3-5. In this regard, Cao clearly describes a method in col.3, line 55 to col. 4, line 5 of encoding on a per single user basis, with multiple users then being multiplexed onto a frame. Thus, Cao fails to describe “an encode processor for jointly encoding the combined user equipment specific information for at least two of the plurality of user equipment”, as claimed.

The Office Action further suggests that the encoding feature “is well known in the art, as taught by Terry”. Terry discloses (in paragraphs [0024], [0028] and [0036] to [0040]) a technique to encode two channel indicators into a single parameter. Terry fails to teach anything other than a combination of two channel indicators that both indicate a poor channel, e.g. a poor quality metric (QM) and a high interference level (Icc) being combined into a single parameter for a single user/UE. That is to say, the parameters combined in Terry are not parameters specific to different user equipment and therefore Terry also fails to disclose “an encode processor for jointly encoding the combined user equipment specific

information for at least two of the plurality of user equipment and a transmitter for transmitting the jointly encoded combined user equipment in a single allocation of transmission resource”.

Claim 28 is a claim for cellular communication system with distinguishing features corresponding to the apparatus of Claim 1 and user equipment of Claim 26. Consequently, the arguments set forth above in support of Claim 1 apply equally to Claim 28.

Claim 29 is a claim for a method of transmitting user equipment specific information with distinguishing features corresponding to the apparatus of Claim 1. Consequently, the arguments set forth above in support of Claim 1 apply equally to Claim 29.

On page 14 of the Office Action, Claims 6 and 31 are rejected under 35 USC § 103(a) as being unpatentable over US 6,647,005 B1, Cao et al. (hereinafter “Cao”) in view of US 6,587,697 B2, Terry et al. (hereinafter “Terry”), as applied to claim 4 and 5 above, and further in view of Tsunehara et al (hereinafter Tsunehara) (US 7,006,463 B2). Applicants are traversing this rejection.

Claim 6 is dependent upon Claim 1. Claim 31 is dependent upon Claim 30. Neither Cao, nor Terry nor Tsunehara disclose “an encode processor for jointly encoding the combined user equipment specific information for at least two of the plurality of user equipment and a transmitter for transmitting the jointly encoded combined user equipment specific information in a single allocation of transmission resource”, as claimed.

On page 14 of the Office Action, Claims 14 and 15 are rejected under 35 USC § 103(a) as being unpatentable over US 6,647,005 B1, Cao et al. (hereinafter “Cao”) in view of US 6,587,697 B2, Terry et al. (hereinafter “Terry”), as applied to claim 1 above, and further in view of US 7,450,611 B2, Kim et al. (hereinafter “Kim”). Applicants are traversing this rejection.

Claim 14 and Claim 15 are both dependent upon Claim 1. Neither Cao, nor Terry nor Kim disclose “an encode processor for jointly encoding the combined user equipment specific information for at least two of the plurality of user equipment and a transmitter for transmitting the jointly encoded combined user equipment specific information in a single allocation of transmission resource”, as claimed.

Claim Rejection under 35 U.S.C § 102(b) of Claims 26 and 30

On page 16 of the Office Action, Claims 26 and 30 are rejected under 35 USC § 102(b) as being anticipated over US 6,647,005 B1, Cao et al. (hereinafter “Cao”). Applicants are traversing this rejection.

Cao fails to disclose a receiver for “receiving a single allocation of transmission resource comprising jointly encoded combined user equipment specific information for at least two of the plurality of user equipment; and [a processor for] determining user specific information for the user equipment from the single allocation of transmission resource”, as claimed.

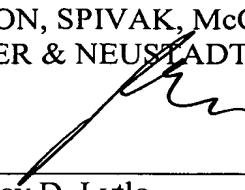
For at least the reason that Claims 2-3, 5-25, 27 and 32 each depend from an allowable independent Claim, Claims 2-3, 5-25, 27 and 32 are also allowable. While the applicant believes that other arguments are available to highlight the allowable subject matter presented in various ones of these dependent claims, the applicant also believes that the comments set forth herein regarding allowability of the independent claims are sufficiently compelling to warrant present exclusion of such additional points for the sake of brevity and expedited consideration. Applicants respectfully request reconsideration and allowance of Claims 2-3, 5-25, 27 and 32.

Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 1-3, 5-30 and 32.

The case is believed to be in condition for allowance and notice to such effect is respectfully requested. If the Examiner should have any other points of concern, the Examiner is expressly invited to contact the undersigned by telephone to discuss those concerns and to seek an amicable resolution.

Respectfully submitted,

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AMENDMENT ATTACHMENT



UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/551,620	Nicholas William Anderson	562492005400
25225 MORRISON & FOERSTER LLP 12531 HIGH BLUFF DRIVE SUITE 100 SAN DIEGO, CA 92130-2040		INTERNATIONAL APPLICATION NO. PCT/EP2005/053933
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	08/10/2005	08/13/2004

CONFIRMATION NO. 5901
371 ACCEPTANCE LETTER



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Date Mailed: 03/12/2008

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

11/28/2006

02/13/2007

DATE OF RECEIPT OF 35 U.S.C. 371(c)(1),
(c)(2) and (c)(4) REQUIREMENTS

DATE OF COMPLETION OF ALL
35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 09/30/2005
- Copy of the International Search Report filed on 09/30/2005
- Preliminary Amendments filed on 09/30/2005
- Oath or Declaration filed on 11/28/2006
- U.S. Basic National Fees filed on 09/30/2005

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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